



January 15, 2008

## **ERRATA**

**Subject: JANUARY 22, 2008 AGENDA – NOTICE OF REVISED ITEMS**

**PLEASE TAKE NOTE** that the Agenda for the January 22, 2008 Board Meeting, scheduled at the State Personnel Board, 801 Capitol Mall, Sacramento, California, has been modified as follows:

**The following two items were taken off of the Submitted Items list:**

- **LIFEGUARD (PERMANENT/INTERMITTENT) CLASSIFICATION**  
Proposed establishment of the Lifeguard (Permanent Intermittent) classification, with a six month probationary period and designation of the class as sensitive for the purpose of pre-employment drug testing. (Hearing held November 5, 2007). This item was ADOPTED on 12-4-07.
- **REGISTERED NURSE CORRECTIONAL FACILITY CLASSIFICATION**  
Proposed change to the probationary period for the Registered Nurse, Correctional Facility class from six to twelve months. (Hearing held November 5, 2007). This item was ADOPTED on 12-4-07.

**The following non-hearing item has been amended. The revised version of this item is attached, beginning on Page 2.**

- **DEPARTMENT OF TRANSPORTATION**  
The Department of Transportation is requesting to amend 2CCR§ 549.90 to continue, on a permanent basis, the selection methods that were piloted during the demonstration project.

The proposed changes to regulation 2CCR§ 549.90 were not shown in the strikeout and underline format.

Should you have any questions regarding this Notice, please contact staff in the Secretariat's Office at (916) 653-1028.

Portia Jacobson  
Secretariat's Office



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



TO: STATE PERSONNEL BOARD

FROM: Patti Oshita  
CEA & Exempt Services  
Department of Transportation

REVIEWED BY: Judy O'Day  
Chief, Division of Human Resources

SUBJECT: Proposed: 1) Acknowledgement of law authorizing the California Department of Transportation to continue the Managerial Selection Demonstration Project selection methods on a permanent basis; and 2) Adoption of proposed amendments to Title 2, California Code of Regulations (2CCR) § 549.90

### SUMMARY OF ISSUE:

The California Department of Transportation (Caltrans) is requesting to amend 2CCR § 549.90. Assembly Bill 1702 (Chapter 284) enacted sections 19602.7 and 19609 of the Government Code (G.C.) authorizing Caltrans to continue, on a permanent basis, the selection methods that were piloted during the demonstration project. This proposal recognizes the conversion of these temporary features to permanent methods for use solely at Caltrans.

### CONSULTED WITH:

Liz Ochoa, Department of Transportation  
Elise S. Rose, State Personnel Board  
Daphne Baldwin, State Personnel Board  
Dennis Alexander, Professional Engineers in State Government

### BACKGROUND:

Under the Demonstration Project Authority (G.C. sections 19600 et.seq.), the State Personnel Board approved the participation of Caltrans in a five-year demonstration project to explore alternatives to the traditional civil service methods of recruitment and selection for managerial positions designated M01 and M09. The Managerial Selection Demonstration Project began in November 2001 and was extended until December 2007, to allow the Department to complete its focused group meetings and finalize the evaluation of the project.

The Department conducts competitive examinations on a position-specific basis for specified managerial classifications. The testing and hiring interviews are combined into one process that allows the Department to advertise and fill individual managerial vacancies without establishing eligibility lists.



Legislation was signed and the demonstration project will become permanent on January 1, 2008. It was found that the demonstration project addressed the need for a more flexible selection method to hire candidates with the most recent and relevant experience/education pertinent to the position being filled. The project further provided the Department the ability to examine/select candidates for managerial vacancies on a timely, cost-efficient basis.

The Department will be required to submit a report for a three- (3) year period on an annual basis to the State Personnel Board. After the three-year period, a report shall be filed at the request of the State Personnel Board. Further, a public hearing to provide for the exchange of information and public comments about the project will be permitted.

Article 8 (commencing with 2CCR § 549.90) of Subchapter 4 of Chapter 1 of Division 1 of Title 2 of the California Code of Regulations was promulgated to implement the selection component of Caltrans's demonstration project. Amendments are proposed to incorporate the permanent provisions of the law.

#### REGULATORY PROCESS:

In addition, pursuant to Government Code section 18213, SPB regulations concerning selection and examinations may be adopted without public notice or comment, but must be made reasonably available to all interested parties.

#### RECOMMENDATION:

1. That statutory law (G.C. sections 19602.7 and 19609) authorizing Caltrans to continue on a permanent basis, the position-specific selection methods for recruiting, examining, hiring and appointing managerial personnel at Caltrans effective January 1, 2008, be acknowledged.
2. That 2CCR § 549.90, be amended as set forth in the attachment hereto; and that the proposed regulation as shown in this calendar be adopted effective January 22, 2008.



Attachment

Title 2. Administration  
Division 1. Administrative Personnel  
Chapter 1. State Personnel Board

Subchapter 4      Demonstration Project and Performance Based Budget Pilot Project Rules  
(Promulgated Under Authority of Government Code § 11808, 18701, and  
19600)

Article 8.            ~~Demonstration Project~~— California Department of Transportation

Section 549.90.      California Department of Transportation ~~Demonstration Project~~:  
Managerial Selection Program

Under State Personnel Board supervision, the California Department of Transportation (Department) shall conduct ~~a demonstration project, pursuant to Sections 19600, 19605, and 19607 of the Government Code, affecting~~ the examination process to select candidates for positions designated M01 and M09. ~~During this demonstration project,~~ The Department shall conduct examinations for the above identified classifications pursuant to the procedures in Article 4 (Section 548.30) and Article 5 (Section 548.40 through 548.52) for Career Executive Assignments, with the following exceptions:

- (a) The examination announcements specified by Section 548.41 shall specify the minimum qualifications for the position as prescribed for the specific classification.
- (b) The appointing power shall be governed by Section 171.1 in determining whether an applicant has completed the minimum time required by the experience component in the minimum qualifications, if any.
- (c) Any eligible employee may appeal to the State Personnel Board, pursuant to Section 548.49, within thirty (30) days of the date of the notification of examination results.
- (d) Examinations may be either open or promotional.

NOTE: Authority cited: Section 18701, Government Code. Reference: Sections 19600, 19602.7, 19605, 19607 and 19609, Government Code.